



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Drewe *et al.*

Appl. No.: 09/705,840

Filed: November 6, 2000

For: **Substituted-4H-Chromene and
Analogues as Activators of Caspases
and Inducers of Apoptosis and the
Use Thereof**

Confirmation No.: 8076

Art Unit: 1625

Examiner: Robinson, Binta M.

Atty. Docket: 1735.0410002/RWE/CJW

Fifth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of the document is also provided.

The numbering on this Fifth Supplemental Information Disclosure Statement (IDS) is a continuation of the numbering in Applicants' Fourth, Third, Second and First Supplemental IDSs filed March 31, 2004, December 12, 2002, April 25, 2002 and November 5, 2001, respectively, in connection with the above-captioned application.

The Examiner's attention is directed to the prosecution from co-pending U.S. Patent Application No. 10/146,138, Cai *et al.*, filed May 16, 2002 and submitted in Applicants' Fourth Supplemental IDS as document AA2. The submitted prosecution includes an Office Communication. The prosecution is cited herein as document AR23.

The identification of this U.S. Patent Application, and any corresponding prosecution, is not to be construed as a waiver of secrecy as to these application, or its corresponding prosecution, now or upon issuance of the present application as a patent.

The Examiner is respectfully requested to consider the cited application, the corresponding prosecution and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Fifth Supplemental Information Disclosure Statement is being filed after the mailing date of a first Office Action and before the mailing date of a final Office Action or any matter that otherwise closes prosecution. The fee set forth in 37 C.F.R. § 1.17(p) is enclosed.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, reading "Christopher J. Walsh". The signature is written in a cursive, flowing style.

Christopher J. Walsh
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Date: September 20, 2004

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FORM PTO-1449

FIFTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
1735.0410002/RWE/CJW

FIRST NAMED INVENTOR
Drewe *et al.*

FILING DATE
November 6, 2000

APPLICATION NO.
09/705,840

ART UNIT
1625

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR23		Rao, D., Office Communication for United States Patent Application No. 10/146,138, 11 pages, United States Patent and Trademark Office (mailed August 26, 2004)
	AS		
	AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.